
Michigan Department of Consumer and Industry Services
Office of Policy and Legislative Affairs
Boundary Commission

PROCEDURE FOR ANNEXATION
REVISED: June 11, 2002

NOTE: Per Executive Order 1996-2, the Director of the Department of Consumer and Industry Services makes the final decision on whether or not to approve or deny an annexation petition or resolution or referendum petition. Therefore, in the following procedure, all references to a decision by the State Boundary Commission to approve or deny annexation petitions should be interpreted to mean a recommendation of approval or denial to the Director of the Department of Consumer and Industry Services.

NOTE: The following procedure must be read and followed in conjunction with the Administrative Rules of the State Boundary Commission.

NOTE: In the following procedure, unless it is otherwise noted, the annotations refer to the *Home Rule City Act* or the *Boundary Commission Act*.

Example 1: (117.6) refers to Section 6 of the Home Rule City Act which is Public Act No. 279 of 1909, as amended.

Example 2: (Sec. 7, 191) refers to Section 7 of the Boundary Commission Act which is Public Act 191 of 1968, as amended.

A. METHODS OF INITIATING ANNEXATIONS TO HOME RULE CITIES THAT WERE PLACED UNDER THE JURISDICTION OF THE BOUNDARY COMMISSION BY P.A. 219 OF 1970

1. By the circulation and signing of petitions signed by persons who are qualified electors and freeholders residing in the affected territories. (117.6) The land to be annexed must be contiguous to a city.
 - (a) Petitions must be signed by at least 1% of the qualified electors and freeholders residing in the affected territories. (117.6)
 - (b) No less than 100 signatures. (117.6)
 - (c) If the affected territory is in one county, no less than 10 of the signatures shall be obtained from each affected city, village or township. (117.6 and 117.11)
 - (d) If the affected territory is in more than one county, 25 signatures shall be obtained from each affected city, village or township. (117.11)

- (e) Should the unincorporated township territory proposed to be annexed contain less than the 10 persons qualified to sign the petition, the **following alternate method** can be used in lieu of the 10 signatures from the township. The petition is signed by persons, firms, corporations, the United States government, the state, or any of its subdivisions, who collectively hold equitable or record legal title to more than ½ of the area of the land, exclusive of streets, at the time of filing; each signature must be followed by a description of the land and the area represented thereby; a sworn statement shall also accompany the petition giving the total land area proposed to be annexed. (117.6)
- 2. By resolution of the legislative body of the city to which the area is proposed to be annexed. (117.9[7a])
- 3. By petition by the persons, firms, corporations, the United States government or the state or any of its subdivisions, who collectively hold record title to 75% or more of the area of the land, exclusive of streets, in the territory proposed for annexation at the time of filing the petition. (117.9[7b])
- 4. By petition by 20% of the registered electors who reside in the area proposed for annexation. (117.9[7c])

B. TWO-YEAR RESTRICTION

An annexation petition shall be rejected by the Commission which includes any part of territory described in any annexation petition filed within the preceding 2 years, except one rejected for legal sufficiency, that was denied by the Commission or defeated in an election ordered by the Commission. (117.9[6])

C. PUBLIC ACT 425 RESTRICTION

While a valid Public Act 425 Agreement is in effect, another method of annexation or transfer shall not take place for any portion of an area transferred under the Public Act 425 contract. (124.29)

D. DETERMINING POPULATION OF AFFECTED TERRITORY

Determined by the most recent decennial U.S. census. (117.6)

E. DETERMINING POPULATION OF AREA PROPOSED OR APPROVED TO BE ANNEXED (100 or less, or over 100) ON THE DATE THE PETITION WAS FILED

- 1. By personal interviews with people residing within the area proposed to be annexed as soon as is practicable after the filing of the petition (R123.36), or
- 2. Determination of number of dwelling units that existed in the area proposed to be annexed on the date the petition was filed (R123. 36), or

3. Population determined by multiplying number of structures by the average number of residents per household as determined by the most recent decennial U.S. census. (R123.36)

F. ANNEXATION ELECTIONS

1. No election can be held on any petition rejected by the Commission for legal sufficiency (117.9[5])
2. No election can be held on any petition approved by the Commission as filed, or with boundary adjustments, when the area contained 100 persons or less on the filing date. (117.9[5])
3. An election will be held if:
 - (a) The petition was approved by the Commission as filed or with boundary adjustments, and the area as approved contained over 100 persons on the filing date, and (117.9[5])
 - (b) A valid petition is filed with the Commission within 30 days of its approving order which contains the signatures of at least 25% of the registered electors of any one or two or all of the following: (117.9[5])
 - (1) The area proposed to be annexed, or
 - (2) The annexing city, or
 - (3) The remainder of the township from which land is being removed.
4. Only those areas petitioning for an election will vote on the proposed annexation. (117.9[5])
5. Votes are counted separately in each area that votes. The proposed annexation must be approved by a majority vote in each area or the annexation is rejected. (117.9[5])

G. ACTION STEPS	
Who	Does What
Petitioners	<ol style="list-style-type: none"> 1. Accurately describe in the petition the boundaries of the area proposed to be annexed. (117.7) 2. Represent in the petition the method of annexation being used and state that the necessary conditions have been met. 3. Attach a map or drawing to the petition clearly showing the territory to be annexed. (117.6)
Circulator of Petition or Proponent of Resolution	<ol style="list-style-type: none"> 4. Shows map or drawing to each person before obtaining his or her signature on the petition or vote on the Resolution (117.6)
Petitioners	<ol style="list-style-type: none"> 5. Attach an affidavit signed by one or more of the petitioners. (117.6 and 117.11) 6. Address the petition to the State Boundary Commission. (Sec. 7, Act 191; 117.9[2]) 7. File the petition with the Manager of the Commission. (Sec. 7, Act 191; 117.9[2])
NOTE: At this point, two county members are added to the Commission. (Sec. 5, Act 191)	

Boundary Commission	<p>8. Sends notice of a petition being filed within 10 days of filing to affected local and county clerks. (R. 123. 46(1))</p> <p>9. Reviews the petition for conformance to Acts 191 or 279 and to the rules and regulations of the Commission and: (Sec. 8, Act 191; 17.9[2])</p> <p>(a) Rejects the petition or resolution for:</p> <p>(1) Nonconformance with the Acts and the Commission's rules.</p> <p>(2) Containing incorrect statements.</p> <p>(b) Returns the petition to the petitioners, together with their reasons and certificate of rejection, or</p> <p>(c) Approves the petition and schedules a public hearing on the petition, and may expand the area proposed for annexation.</p> <p>10. Notifies the clerks of the affected municipalities and the county clerk of the hearing by certified mail at least 30 days before the date. (Sec. 8 Act 191; 117.9[2])</p> <p>11. Gives notice of hearing at least 7 days before the date of the public hearing by publication in a newspaper of general circulation in the area. (Sec. 8, Act 191;117.9[2])</p> <p>12. Holds a public hearing on the petition. (Sec. 8, Act 191; 117.9[2])</p> <p>(a) Not less than 60 nor more than 220 days after the filing.</p> <p>(b) At a convenient place in or reasonably near the area proposed to be annexed.</p>
Citizens and Officials	<p>13. Present evidence and testimony to the Commission. (Sec. 8, Act 191; 117.9[2])</p>

Boundary Commission	14. Mails copies of, or a listing of, materials received at the public hearing and in the 30 days following the public hearing to the designated parties for the petitioner, city and township(s)
Designated Parties for the Petitioner, City, and Township(s)	15. Submit information rebutting the materials during a 7-day period designated by the Manager of the Boundary Commission.

Boundary Commission	<ol style="list-style-type: none"> 16. Mails copies of, or a listing of, materials received during the 7-day period designated in Step 15 to the designated parties for the Petitioner, City, and Township(s). 17. Considers the reasonableness of the proposed annexation, based on criteria established in Sec. 9. (Sec. 8 Act 191, 117.9[2]) 18. Determines whether to: (Sec. 10 Act 191, 117.9[2]) <ol style="list-style-type: none"> (a) Deny the proposed annexation. (b) Approve the annexation. (c) Approve the annexation with a reduced or expanded area. 19. Adopts a resolution and order to: (Sec. 10 Act 191, 117.9[2]) <ol style="list-style-type: none"> (a) Deny the petition or resolution giving reasons for the denial, or (b) Approve the petition or resolution, giving its reasons for the approval, or (c) Approve the petition or resolution with a reduced or expanded area, giving its reasons for revisions and approval. 20. Sets the effective date of an approved annexation and includes it in the order referenced in Step 19. (117.9[5]) 21. Sends a certified copy of its denial order to each affected county, city, village, or township clerk. (117.9[3]) 22. Sends a certified copy of its approval order to each affected county, city, village, or township clerk and to the Secretary of State. (117.9[4] and [5])
<p>NOTE: When the area approved for annexation contains 100 or fewer persons on the date the annexation petition or resolution was filed, the Commission action is final and becomes effective on the date set forth in the order. (117.9[4])</p>	

NOTE: When the area to be annexed contained more than 100 persons on the date the annexation petition or resolution was filed, the Commissioner's order becomes final 30 days after its adoption UNLESS. (117.9[4])

25% of the Registered Electors

23. File a petition with the Commission asking for an election on the annexation question in: (117.9[5])
- (a) The area to be annexed, or
 - (b) The annexing city, or
 - (c) The balance of the township.

NOTE: Any one, any two, or all of these areas may petition for an election within 30 days of the Commissioner's order approving the annexation.

Boundary Commission

24. Verifies the validity of the referendum petition. (117.9[5])
25. Orders an election in each area filing a valid referendum petition.(117.9[5])
26. Sets the effective date of the annexation if all areas voting approve the proposed annexation. (117.9[5])

APPENDIX Special Annexation Situations that do not Come Before the Boundary Commission	
A. A park or vacant property owned by a city, located in a township, and adjacent to the city with no one residing thereon may be annexed as follows: (117.9[8])	
Who	Does What
City Council	1. Adopts a resolution annexing the property. (117.9[8]) 2. Attaches to the resolution every affidavit or certificate adopted as part of the resolution. (117.13) 3. Files the resolution and attachments with the Secretary of State and the County Clerk. (117.13)
B. If the territory is adjacent to the city and is owned by the city or consists of fractional parts of platted subdivisions lots located in an adjoining city, village or township, annexation may be accomplished as follows: (117.9[8])	
Who	Does What
City Council	1. Affirms the annexation by adopting a resolution approved by a majority vote. (117.9[8])
Legislative Body of Adjoining City, Village, or Township	2. Adopts a resolution approving the proposed City, Village, or Township annexation. (117.9[8]) 3. Attaches to the resolution every affidavit or certificate adopted as part of the resolution. (117.9[13])
Annexing City	4. Files the resolution and attachments with the Secretary of State and the County Clerk. (117.9[13])
C. Where there are no qualified electors residing in the territory proposed to be annexed other than the person or persons petitioning, an alternate means of annexation is available, as follows: (117.9[8])	
Who	Does What
Persons, Firms, Corporations, United States Governments, the State or any of its Subdivisions	1. Sign a petition asking for the proposed annexation (117.9[8])

NOTE: These signers must collectively hold equitable or record legal title to more than ½ of the area of the land in the territory proposed to be annexed.	
	2. Files the petition with the City Council and the Township. (117.9[8])
City Council	3. Affirms the annexation by adopting a resolution approved by a majority vote. (117.9[8])
Township Treasurer	4. Notifies the owners of all real property in the territory proposed to be annexed as shown on the assessment rolls of the township. (117.9[8]) (a)At least 10 days prior to approval by the township board. (b)At the last known address on file with the treasurer. (1)Personally, or (2)By registered mail with return receipt demanded.
Township Board	5. Adopts a resolution approving the proposed annexation.
Annexing City	6. Attaches to the initiatory petition every resolution, affidavit or certificate adopted as part of the resolution. (117.13)
	7. Files the initiatory petition and attachments with the Secretary of State and the County Clerk. (117.13)
D. When the State holds record legal title to an entire area of land that is adjacent to a city, this land may be annexed as follows: (117.9[1])	
Who	Does What
Appropriate State Agency	1. Signs a petition asking for the proposed annexation. (117.9[1]) 2. Files the petition with the governing bodies of the city to which the land is to be annexed and the township in which the territory is situated. (117.9[1])
City Council	3. Affirms the annexation by adopting a resolution approved by a majority vote. (117.9[1])

Township Board	4. Adopts a resolution approving the proposed annexation.(117.9[1])
Annexing City	5. Files the initiatory petition and attachments with the Secretary of State and the County Clerk. (117.13)
E. Whenever the process of incorporation, consolidation or annexation leaves a portion of a township without qualified electors and the constitutional and statutory officers to perform their lawful functions, this township remnant can be annexed as part of the alternate method provided for by Section 9 as follows: (117.9a)	
Who	Does What
Owner or Owners of Record or Equitable Title of ALL Real Property of Such Portion of a Township	1. Sign a petition asking for the proposed annexation. (117.9a) 2. Files the petition with the clerk of the annexing city and the County Clerk of the county in which the territory is situated. (117.9a)
Members-Elect of the Annexing City Council	3. Affirm the annexation by a majority vote. (117.9a)
County Board of Commissioners	4. Approves by a majority vote of all its members. (117.9a)
Annexing City	5. Files the initiatory petition and attachments with the Secretary of State and the County Clerk. (117.13)